

DOCKET FILE COPY ORIGINAL

ORIGINAL
RECEIVED

NOV 5 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

LAW OFFICES
HALEY, BADER & POTTS

4350 NORTH FAIRFAX DR., SUITE 900

ARLINGTON, VIRGINIA 22203-1833

TELEPHONE (703) 841-0606

FAX (703) 841-2345

POST OFFICE BOX 19006

WASHINGTON, D.C. 20036-9006

TELEPHONE

(202) 331-0606

HENRY A. SOLOMON
ADMITTED IN VA AND D.C.

Our File No.
1024-101-71

November 5, 1993

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Reference: **MM Docket No. 93-51**
New Albany, Indiana

Dear Mr. Caton:

We submit on behalf of Rita Reyna Brent, Martha J. Huber, Midamerica Electronics Service, Inc., and Station Communications, Inc., an original and three (3) copies of a "**Consent Motion For Further Extension of Time**".

If there are any questions in regard to this matter, kindly communicate directly with this office.

Respectfully submitted,



Henry A. Solomon
Liaison Counsel

HAS:dh
Enclosure

cc: Hon. Richard L. Sippel

No. of Copies rec'd
List ABCDE

083

Before The
Federal Communications Commission
Washington, D.C. 20554

In re Applications of

MARTHA J. HUBER, et al.,

For Construction Permit for a
New FM Station on Channel 234A
in New Albany, Indiana

) MM Docket No. 93-51
)
)
)
)
)
)

RECEIVED

NOV - 5 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Honorable Richard L. Sippel
Administrative Law Judge

**CONSENT MOTION FOR FURTHER
EXTENSION OF TIME**

Rita Reyna Brent, Martha J. Huber, Midamerica Electronics Service, Inc., and Staton Communications, Inc. ("Movants"), by liaison counsel and with the FCC's consent, respectfully move for a further extension of time within which to submit their joint motion and related global settlement documents and Midamerica's motion for summary decision. In support hereof the following is shown:

1. The present deadline for filing the referenced pleadings and documents is Monday, November 8, 1993.¹ The settlement previously reported to the Presiding Judge has been modified. Yesterday, November 4, 1993, the merging parties -- Brent, Huber and Midamerica -- agreed that Brent's application would be dismissed in exchange for reimbursement of

¹ See Order (CC 98M-360), released October 1, 1993.

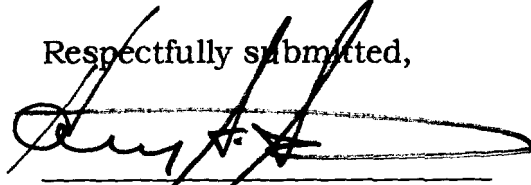
her reasonable and prudent application expenses, such reimbursement not to exceed \$51,000. New Albany Broadcasting Co., Inc., the "merged applicant," would thus be comprised of two shareholders, not three.

2. In light of the foregoing change, Movants will have to revise the proposed merger agreement, to draft a new settlement and escrow agreement, and to recognize the change in the settlement documents involving Staton. Additionally, counsel in Indiana will have to recast the shareholders' agreement and related corporate papers.

3. The foregoing tasks will be accomplished expeditiously and Movants are confident that they will be able to submit all settlement papers, including Midamerica's summary decision motion, on or before Tuesday, November 23, 1993. Accordingly, an extension of time to and including such date is requested.

WHEREFORE, THE PREMISES CONSIDERED, It is respectfully requested that the subject Motion be Granted in its Entirety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Henry A. Solomon", written over a horizontal line.

Henry A. Solomon
Liaison Counsel for Movants

HALEY, BADER & POTTS
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606

November 5, 1993

CERTIFICATE OF SERVICE

I, Dinah L. Hood, a secretary in the law firm of Haley, Bader & Potts, hereby certify that a copy of the foregoing **"Consent Motion For Further Extension of Time"** was mailed, postage pre-paid, this 5th day of November, 1993 to the following:

The Honorable Richard L. Sippel *
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Suite 214
Washington, D.C. 20554

James Shook, Esquire *
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20036

Donald J. Evans, Esq.
McFadden, Evans & Sill
1627 Eye Street, N.W., Suite 810
Washington, D.C. 20006
(Counsel for Staton Communications)

John J. Schauble, Esquire
Cohen & Berfield
1129 20th Street, N.W.
Washington, D.C. 20036
(Counsel for Martha J. Huber)

Bradford D. Carey, Esq.
Hardy and Carey
111 Veterans Boulevard, Suite 255
Metairie, LA 70005
(Counsel for Midamerica Electronics
Service, Inc.)


Dinah L. Hood

* Hand Delivered